

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 201901572	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/13/2019 6:00 AM	Location of Incident: § 87(2)(b)	Precinct: 114	18 Mo. SOL 8/13/2020	EO SOL 3/30/2021	
Date/Time CV Reported Wed, 02/20/2019 10:31 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/20/2019 10:31 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. DT2 Robert Schlosser	02434	923132	MC/SQD
3. DT1 John Fennell	02481	889990	MC/SQD

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Stephen Jones	03633	946501	MC/SQD

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered location § 87(2)(b) in Queens.	§ 87(2)(b)
B. Officers	Force: Officers pointed their guns at § 87(2)(b)	§ 87(2)(b)
C. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D. Officers	Abuse: Officers refused to show the arrest warrant to § 87(2)(b)	§ 87(2)(b)
E. DT2 Robert Schlosser	Abuse: Detective Robert Schlosser refused to show the arrest warrant to § 87(2)(b)	§ 87(2)(b)
F. DT1 John Fennell	Abuse: Detective John Fennell refused to show the arrest warrant to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On February 20, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone on behalf of himself and § 87(2)(b).

At approximately 6:00 a.m. on February 13, 2019, § 87(2)(b) and § 87(2)(b) were asleep at § 87(2)(b) in Queens. § 87(2)(b) two children, aged § 87(2)(b) and § 87(2)(b) were also present. They were awakened by a knock at the front door. When § 87(2)(b) opened the door, a group of officers pushed past her and entered the apartment (**Allegation A: Abuse of Authority – Entry of premises,** § 87(2)(g)). Some of these officers entered § 87(2)(b)'s room and allegedly pointed their guns at him (**Allegation B: Force – Guns pointed,** § 87(2)(g)) and allegedly told him, “Get the fuck down” (**Allegation C: Abuse of Authority – Discourtesy,** § 87(2)(g)). The officers then handcuffed § 87(2)(b) allegedly asked all of the officers to show her a copy of their warrant. The investigation identified two of these officers as Detective Robert Schlosser and Detective John Fennell of the Major Case Squad. All of the officers allegedly ignored this request (**Allegations D, E and F: Abuse of Authority – Refusal to show arrest warrant,** § 87(2)(g)). § 87(2)(b) was transported to the 7th Precinct stationhouse, where he was arrested by Detective Stephen Jones from the Major Case Squad. He was charged with § 87(2)(b) (Board Review #01).

§ 87(4-b), § 87(2)(g)

No video footage was found from this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Officers entered location § 87(2)(b), **in Queens.**

Allegation (B) Force: Officers pointed their guns at § 87(2)(b)

Allegation (C) Discourtesy: Officers spoke discourteously to § 87(2)(b)

Allegation (D) Abuse of Authority: Officers refused to show the arrest warrant to § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were interviewed at the CCRB on February 27, 2019. Detective Robert Schlosser was interviewed at the CCRB on May 1, 2019. Detective Stephen Jones was interviewed at the CCRB on June 18, 2019. Detective John Fennell was interviewed at the CCRB on October 17, 2019.

It is undisputed that officers entered § 87(2)(b). The officers arrested § 87(2)(b) once inside. Detective Schlosser and Detective Fennell came to the apartment at some point during the incident.

§ 87(2)(b) and § 87(2)(b) statements were generally consistent. They both stated that they woke up on the morning of February 13, 2019 when officers knocked on the apartment's front door. § 87(2)(b) went to the front door and opened. Approximately eight plainclothes officers then rushed past her into the apartment. § 87(2)(b) and § 87(2)(b) described the officers only as white males in plainclothes. They were not able to provide any further description of any of these officers. The officers did not speak to § 87(2)(b) before entering. They did not seek or obtain her consent to enter the apartment before rushing in. The officers went directly to § 87(2)(b)'s

bedroom. § 87(2)(b) stated that the officers pointed their guns at him and told him, “Get the fuck down.” § 87(2)(b) was not in the room and did not witness this portion of the incident. She did state, though, that § 87(2)(b) later told her that multiple officers pointed their guns at him. The officers placed § 87(2)(b) in handcuffs. § 87(2)(b) stated that she asked several of the officers to show her a copy of § 87(2)(b)'s arrest warrant. None of the officers responded to her request or displayed any paperwork to her. One of the officers provided his name and telephone number to § 87(2)(b) and identified himself as an officer from the Warrant Squad. § 87(2)(b) initially did not recall that officer's information, but later identified him as Detective Schlosser. The officers transported § 87(2)(b) to the 7th Precinct stationhouse. The officers told § 87(2)(b) that he would meet there with Detective Jones, but § 87(2)(b) did not ultimately speak to any officers there.

Detective Jones stated that § 87(2)(b) was arrested as part of a large-scale operation that he supervised from the 7th Precinct stationhouse. Detective Jones acquired arrest warrants for several co-defendants who lived in different boroughs. § 87(2)(b) was one of them. Detective Jones remained at the stationhouse while various teams of other officers executed the warrants. He then processed each suspect's arrest when they arrived at the stationhouse. Detective Jones stated that Detective Schlosser and Detective Fennell took § 87(2)(b) into custody along with several unidentified officers from the Warrant Squad. He denied traveling to § 87(2)(b) himself. He was not aware of how the officers took § 87(2)(b) into custody. He did not know if any officers entered § 87(2)(b)'s apartment or what, if any, actions the officers took inside the apartment.

Detective Schlosser's and Detective Fennell's statements were generally consistent with each other. Both officers stated that Detective Jones had assigned them to apprehend § 87(2)(b) as part of an ongoing investigation. Detective Jones had obtained an arrest warrant for § 87(2)(b). Detective Jones provided them with § 87(2)(b)'s address. Detective Schlosser and Detective Fennell traveled to the location along with several officers from the Warrant Section. They did not know these officers' names and did not know which borough's Warrant Squad these officers were assigned to. Detective Schlosser and Detective Fennell arrived at the location after the Warrant Squad officers. When they arrived, they found that the Warrant Squad officers had already entered the apartment and placed § 87(2)(b) in handcuffs. They did not know how the Warrant Squad officers gained access to the apartment or how they brought § 87(2)(b) into custody. Detective Schlosser stated that § 87(2)(b) told him that the Warrant Squad officers had pointed guns at him. Detective Schlosser did not witness any officers point guns at § 87(2)(b) himself. Both officers denied hearing § 87(2)(b) ask any officers to see a copy of the arrest warrant.

An arrest warrant was issued for § 87(2)(b) on § 87(2)(b) (Board Review #02). The NYPD Warrant Profile associated with the warrant states that it was subsequently cancelled on February 13, 2019. It also states that the warrant was assigned to the Warrant Section. It does not list a specific officer within the Warrant Section who the warrant was assigned to (Board Review #01).

§ 87(2)(b)'s arrest warrant was one of several that were issued regarding the same criminal indictment. A Warrant/I-Card Search Report was obtained that listed all the warrants associated with the indictment (Board Review #03). It lists seven total warrants, including the one issued for § 87(2)(b). The report also lists the investigators assigned to each warrant. Four of the warrants are assigned to detectives in various boroughs' Warrant Squads. One is assigned to the Regional Fugitive Task Force. The remaining two do not list an assigned investigator. § 87(2)(b)'s warrant is one of the two that does not have a listed investigator.

A review of the Queens Warrant Squad's movement log listed no officers traveling to any locations associated with any of the warrants associated with § 87(2)(b)'s criminal indictment (Board Review #04). A review of the Queens Warrant Squad's roll call found more than two dozen white or Hispanic male officers who were on duty at the time of the incident (Board Review #04).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Detective Robert Schlosser refused to show the arrest warrant to § 87(2)(b)

Allegation (F) Abuse of Authority: Detective John Fennell refused to show the arrest warrant to § 87(2)(b)

It is undisputed that Detective Schlosser and Detective Fennell were present inside § 87(2)(b)'s and § 87(2)(b)'s apartment after § 87(2)(b) was handcuffed.

§ 87(2)(b) stated that after § 87(2)(b) was handcuffed, she asked all the officers who were present in the apartment to see a copy of § 87(2)(b)'s warrant. None of the officers responded to her. Detective Schlosser later provided § 87(2)(b) with his name and phone number. § 87(2)(b) made no mention of § 87(2)(b) asking any officers to see the warrant. He did, however, note that none of the officers displayed any paperwork to § 87(2)(b).

Detective Schlosser and Detective Fennell both stated that they entered the apartment after § 87(2)(b).

§ 87(2)(b) was handcuffed. Detective Schlosser stated that he told § 87(2)(b) why § 87(2)(b) was being arrested. Detective Fennell stated that he spoke to § 87(2)(b) while inside but did not speak to § 87(2)(b) because she was speaking to an unidentified party over the phone. Both officers denied hearing § 87(2)(b) ask to see a copy of § 87(2)(b)'s arrest warrant. They were not aware of any officers refusing to display the warrant to § 87(2)(b).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g) -

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review #08).
- Detective Fennell has been a member of the service for 33 years and has been a subject in eight previous CCRB cases and ten allegations, one of which was substantiated.
 - 200406171 involved a substantiated allegation of refusal to provide name and/or shield number. The Board recommended that he receive Command Discipline. The NYPD administered Instructions.
 - § 87(2)(g) _____

- Detective Schlosser has been a member of the service for 21 years and has been a subject in seven previous CCRB cases and eleven allegations, none of which were substantiated.

§ 87(2)(g) _____

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on January 24, 2020. The results will be included in the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] _____

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[redacted]
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- [redacted]
[redacted]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date